

Serial No. 09/653,735  
Attorney Docket No. 65678-0032

7-24-03  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SUHY

Serial No.: 09/653,735 Group Art Unit: 3621  
Filed: 09/01/2000 Examiner: HEWITT II, Calvin L.  
For: APPARATUS AND METHOD FOR TRACKING AND MANAGING  
PHYSICAL ASSETS  
Attorney Docket No.: 65678-0032

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Date: July 14, 2003

  
Signature  
Alisa M. Varela

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

The Applicants respectfully provide the following response to the Office Action dated  
March 14, 2003 ("Office Action").

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INTRODUCTORY COMMENTS

As a preliminary matter, the Applicants thank the Examiner for providing the Office Action dated March 14, 2003 (the "Office Action") and the search results contained therein. In the Office Action: (1) claims 8, 10, 11, and 18-20 were rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter; (2) claims 1-20 were rejected under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,875,430 ("Koether") in view of US Patent No. 6,230,081 ("Albertshofer"); and (3) claim 11 was rejected under 35 U.S.C. 103(a) as being obvious over Koether and Albertshofer as applied to claim 8, and further in view of US Patent No. 6,003,808 ("Nguyen").

Claims 9-11 have been cancelled. Claims 1 and 5 have been amended. The limitations of claim 11 have been added to claim 8. Claim 7 has been amended. Claims 21 through 24 have been added. Claims 1-8, and 12-24 are in condition for allowance, and respectfully traverse Examiner's rejections. With regards to the Section 101 rejections, the Office Action fails to provide any specific statutory or constitutional basis for the assertion that "users" or a subset of possible types of "users" (such as "dealers") are precluded as potential claim elements. The inclusion of a human actor in a claim is not the same thing as claiming ownership of a human being.

With regards to the Section 103 rejections, the cited references do not disclose each and every element of the claimed invention. Moreover, the cited references do not affirmatively suggest their combination.